IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4239 of 1982

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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HARISHCHANDRA J MANSUKHANI - Petitioner(s)

Versus

BARODA MUNICIPAL CORP. & 2 - Respondent(s)

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Appearance :

NOTICE UNSERVED for Petitioner(s) : 1,
MR PRANAV G DESAI for Respondent(s) : 1 - 2.
MR M.R. Mengdey, AGP for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 20/09/2005

ORAL JUDGMENT

In this petition under Article 226 of the Constitution of India, the petitioner has prayed for an appropriate writ, order or direction directing the respondent No.1, Vadodara Municipal Corporation not to obstruct the petitioner from doing business,

Opposite-Kothi Office, Baroda, and/or directing the Vadodara Municipal Corporation to convert the said place where the petitioner was keeping his hand-lorry as a stand. The learned advocate, who had filed the Special Civil Application, has been elevated to the Bench of this Court. This Court had issued Notice through office upon the petitioner but the same is returned with a remark 'not found' and thus it is unserved.

2. This petition is of 1982. As the petitioner is not found at the place where he was residing and/or doing his business, it appears that the cause does not survive. The Special Civil Application is therefore required to be dismissed and is dismissed. However, it will be open for the petitioner to revive the petition by filing note if cause survives. Rule is discharged. Ad-interim relief stands vacated forthwith.

[M.R. Shah, J.]

RMR.